

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ALEXANDRA CHAVARRIAGA,

Plaintiff,

v.

STATE OF NEW JERSEY
DEPARTMENT OF CORRECTIONS,
et al.,

Defendants.

Civil Action No. 12-4313 (MAS) (TJB)

MEMORANDUM ORDER

This matter comes before the Court on a civil rights complaint filed by Plaintiff Alexandra Chavarriaga, pursuant to 42 U.S.C. § 1983. The Court previously either granted summary judgment or outright dismissed all claims in the Complaint. (See Op. & Order, Mar. 27, 2014, ECF Nos. 83 & 84.) However, on appeal, the Third Circuit affirmed in part, reversed in part, and remanded the case back to this Court for further proceedings. (Mandate, Dec. 8, 2015, ECF No. 89.)

Thereafter, Magistrate Judge Tonianne J. Bongiovanni attempted to hold two status conferences with the parties, but both times, Plaintiff's counsel failed to appear at the scheduled times. (R. & R. 3, Apr. 4, 2016, ECF No. 94; *see also* ECF Nos. 88 & 90.) Judge Bongiovanni then issued an order directing counsel to explain his conduct, and to state whether he was capable of continued representation. (Order, Dec. 28, 2015, ECF No. 91.) Counsel informed Judge Bongiovanni that he was unable to further represent Plaintiff. (R. & R. 3.) Subsequently, on January 6, 2016, Judge Bongiovanni issued an order allowing counsel to withdraw, and directing Plaintiff to retain new counsel or to proceed pro se. (Order, Jan. 6, 2016, ECF No. 92.) Plaintiff did not respond. (R. & R. 3.) On March 3, 2016, Judge Bongiovanni issued a show-cause order,

directing Plaintiff to show cause as to why the case should not be dismissed for Plaintiff's failure to prosecute. (Order, Mar. 3, 2016, ECF No. 93.) Again, Plaintiff failed to respond. (R. & R. 4.) On April 4, 2016, Judge Bongiovanni issued a Report and Recommendations, recommending the case be dismissed with prejudice for Plaintiff's failure to prosecute. (ECF No. 94.) To date, more than five months later, Plaintiff has not filed an objection to the Report and Recommendations.

IT IS therefore on this 30th day of September, 2016,

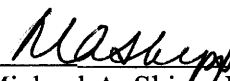
ORDERED that the Third Circuit's Mandate, ECF No. 89, is implemented; it is further

ORDERED that the Clerk shall **REOPEN** the case by making a new and separate docket entry reading "CIVIL CASE REOPENED"; it is further

ORDERED that the Report and Recommendations of Magistrate Judge Tonianne J. Bongiovanni, ECF No. 94, is hereby **ADOPTED** as the Opinion of this Court; it is further

ORDERED that the Complaint is hereby **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that the Clerk shall serve a copy of this Memorandum Order and the Report and Recommendation upon the parties, and shall **CLOSE** the file.



Michael A. Shipp, U.S.D.J.